

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN RIGHTS,  
et al.,

Plaintiff(s),

v.

CITY OF LOS ANGELES, et al.,

Defendant(s).

Case No.

2:20-cv-02291-

DOC-KES

HEARING

DATE: Tuesday, April 14, 2020

TIME: 8:21 p.m.

BEFORE: Honorable David O. Carter

LOCATION: Alexandria Hotel Ballroom  
501 South Spring Street  
Los Angeles, CA 90013

REPORTED BY: Austin Che, Notary Public

JOB No.: 4080633

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ALSO PRESENT:

Michele Martinez

Andre Birotte, Jr.

Shayla Myers

Brooke Weitzman

Christina Miller

Heidi Marston

Carol Sobel

Matt Szabo, Deputy Chief of Staff, (by telephone)

Office of the Mayor

Kathryn Barger, Board of Supervisors (by telephone)

Gary Lee Moore, City Engineer (by telephone)

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I N D E X

WITNESS (ES) : DX CX RDX RCX

(None taken.)

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	Letter, K. Barger	12

(Exhibits retained.)

## P R O C E E D I N G S

THE COURT: We've had a series of --

first of all, good evening. Thank you for your patience. Can all of you hear me? Thumbs up. All right. We've had a series of conversations with Mayor Garcetti, and the chair of the Board of Supervisors, Kathryn Barger. And we're going to, first, say to all of you that all of us are moving along in a positive way. That it's obvious because of this late news that everyone is in agreement. It's whether this site is suitable or not. And so, I'm going to hold court again next Thursday, instead of next Tuesday. That will give time for all of the parties to look at the respective site, at 16th and Maple. I believe that the environmental person is on the line. And also, any other site that might be suitable. And there's been discussions everywhere from Joe's to 16th and Maple, outside your presence, and both the mayor and I strongly feel that we're not in the position to dictate a specific site. That the parties are best able to do that, with some time constraints on all of us. So, it's a very positive conversation.

Also, Supervisor Barger, who I'm going to put on the line in a moment, once again has stepped forward. And I want to say to you that from this late

1 news I think there's been some extraordinarily good  
2 developments that have occurred. I think that that  
3 working relationship is being demonstrated strongly, for  
4 a moment. So, Matt, I don't want to misstate. You're  
5 the chief of staff. I know that my conversation was one  
6 on one with the mayor, which is why I was a little bit  
7 late. But, do you have anything that you would like to  
8 add, Matt? I hope I made that representation correctly.  
9 If not, I want you to correct me.

10 MR. SZABO: Yeah. No, thanks, Judge.  
11 I'm a deputy chief of staff to Mayor Garcetti. And the  
12 only thing I would add, I would just echo to the rest of  
13 the folks on the call and in the courtroom, the mayor's  
14 commitment to finding a solution. And as you said, if  
15 this particular site doesn't work out we are actively  
16 looking at other sites. And our hope is by the time of  
17 the next hearing on Thursday we'll have a --

18 THE COURT: Matt, I'm sorry. I've got  
19 Supervisor Barger on the phone.

20 MR. SZABO: No, go ahead.

21 THE COURT: So, pardon my discussion.

22 MR. SZABO: Go ahead. No, Your Honor, go  
23 ahead and take it.

24 THE COURT: No, I want to finish with  
25 your statement. She's been very kind to join us this

1 evening.

2 MR. SZABO: Sure. No, and my statement  
3 was just that we're completely -- we're willing and --  
4 to look at any other site, or this site. Hopefully by  
5 next Thursday we'll have some information upon which we  
6 can make that decision. But we're committed to finding  
7 the solution, either at 16th and Maple or another site  
8 nearby.

9 THE COURT: The mayor was kind enough to  
10 offer literally pulling resources from the city. But  
11 our view was that this needed some time with the parties  
12 also. And our thought was to try to keep moving  
13 forward, but with trigger dates. Dates that all of us  
14 are looking at. And we thought that the next best date  
15 was a little bit extra time, next Thursday, because  
16 there's an awful lot happening, obviously, right now,  
17 some of it tragic. Supervisor Barger also has entered  
18 into this conversation. First of all, good evening.

19 SUPERVISOR BARGER: Good evening.

20 THE COURT: I want to let you make the  
21 statement that you'd like to. And you've been very  
22 gracious to join us this evening. But, I think it's  
23 reflective of the working relationship between you and  
24 the mayor's office. And I think that this is a good  
25 opportunity to turn this lectern or conversation over to

1 you for just a moment.

2 SUPERVISOR BARGER: Well, so, what -- I'm  
3 sorry. I kind of coming into it. So, what is the issue  
4 with 16th and Maple? Because I drove by today, and  
5 clearly there are already people living there. So, I'm  
6 trying to figure out what is the issue with that piece  
7 of property?

8 THE COURT: Andre, why don't you -- yeah.

9 MR. BIROTTE: Well, I -- what --

10 THE COURT: Move -- come up some.

11 MR. BIROTTE: -- I've heard -- so,  
12 Kathryn, what I've heard is that there may be issues --  
13 or, there may be environmental issues that need to be  
14 explored on the property. I don't know the extent of  
15 it. It's just that there may be environmental issues.  
16 Apparently, there was a letter that was sent, I think,  
17 on April the 10th. But, you know, some -- because  
18 everyone is on reduction in force, the powers that be  
19 may not have gotten this information until earlier this  
20 week.

21 THE COURT: Yesterday.

22 MR. BIROTTE: Or yesterday. And so,  
23 there may be issues. Again, that hasn't been explored.  
24 And so -- but the mayor has indicated that they're going  
25 to look at some other -- potentially other sites as



1 well.

2 THE COURT: And that -- in our  
3 conversation, both the mayor and I thought that it was  
4 presumptive and not well thought out to dictate that  
5 specific location. By the same token, we both  
6 recognized that there need to be trigger dates. And we  
7 needed more time for the parties to not only explore  
8 that, but he's offered a pretty quick timeline in terms  
9 of the department turning around the environmental  
10 study. And Marcus, you're aware of that?

11 MR. MARCUS: Aware of which part?

12 THE COURT: That we're going to turn this  
13 around quickly.

14 MR. MARCUS: Yes, sir. And that's why I  
15 have my issue hearing people --

16 SUPERVISOR BARGER: Well, I believe the  
17 mayor knows that we have some working -- we have a good  
18 working relationship. And we're on the same page. And,  
19 you know, whatever it takes, I -- you know, we want to  
20 work with you, Your Honor, to make this happen. So, I  
21 -- you know, I -- we're ready, willing and able.

22 THE COURT: Okay. There's also a further  
23 discussion about servicing these areas. And there's  
24 been a letter submitted to the Court. And the positive  
25 thing about this is not only the servicing set forth in

1 this letter, which I'll make a part of the record, but  
2 also a continuing commitment on the supervisors and  
3 mayor's part for the remaining safe space parking areas.  
4 Now, if I have misstated that, Supervisor, please  
5 correct me. But that's a boon to all of us, so that any  
6 cross-jurisdictional issues are getting resolved  
7 quickly.

8 SUPERVISOR BARGER: No, that is correct.  
9 And what I've said, and I'll say it again, is this is  
10 the same commitment we have with the other 87 cities.  
11 So, you know, we remain committed, as it relates to  
12 Measure H, and how it was sold to the voters. Like how  
13 we're going to use that funding. And LA City is going  
14 to be treated no different than any of the other 87  
15 cities. And we remain committed to working -- and I  
16 would argue, and I -- and the mayor can agree or  
17 disagree, but I believe we have a strong working  
18 relationship, where we can move that forward as it  
19 relates to how we expend those dollars.

20 THE COURT: I want to thank you. I know  
21 that you personally drove down there today, and just --  
22 you can state whatever you want to. But, how did you  
23 find the conditions down there?

24 SUPERVISOR BARGER: Deplorable. And  
25 actually, I -- when I was talking to you, Judge, I

1 thought there was a dead dog. But it turns out the dog  
2 was not dead. Which really made me happy, because I was  
3 going to get out of my car. But I have to say, I was  
4 actually shocked. And, people living there now are  
5 living in a community on that site. And it clearly is a  
6 community, because I drove around about four times. And  
7 it took my breath away, to the point of where I actually  
8 didn't want you to go down there, Your Honor, because I  
9 didn't feel it was safe for you to go down there, for  
10 both the Coronavirus and also overall safety. I was  
11 shocked, because it goes beyond just that site. The  
12 blocks around it are filled with people living on  
13 sidewalks. Yeah. So, there's no question that we've  
14 got a lot of work to do. But -- and the mayor -- Mayor  
15 Garcetti knows this.

16 THE COURT: Yeah.

17 SUPERVISOR BARGER: We're in this  
18 together. And I've talked to my colleagues, both  
19 Ridley-Thomas and Solis, and we're going to work toward  
20 that end.

21 THE COURT: I want to thank you very,  
22 very much for joining us this evening. It's a  
23 commitment that's really exemplary. And we'll make this  
24 letter, with your permission, a part of the court  
25 docket.

1 (Exhibit 1 was marked for identification  
2 and received into evidence.)

3 THE COURT: But also, the continuing  
4 commitment for the rest of the safe parking, which is  
5 going to sort out a lot of jurisdictional issues that I  
6 think that are fast going by the wayside. So, I  
7 appreciate it. And I want to convey my thanks to the  
8 mayor. I know he's -- well, we just go off the phone.  
9 He's somewhat engaged right now.

10 SUPERVISOR BARGER: Okay.

11 THE COURT: So, we'll talk to you soon.  
12 Thank you.

13 SUPERVISOR BARGER: Okay. Thank you.  
14 Everybody stay safe.

15 THE COURT: And we -- sure will. You  
16 know, we've got some trigger dates, though. Okay.

17 SUPERVISOR BARGER: Yeah. No, he gave me  
18 the trigger dates, what I understand. This is -- goes  
19 so far beyond just that one site. This is going to be a  
20 template that's going to be used throughout the county.

21 THE COURT: Yeah.

22 SUPERVISOR BARGER: So, I want to get it  
23 right.

24 THE COURT: Excellent. We'll talk to you  
25 soon.

1 SUPERVISOR BARGER: Okay.

2 THE COURT: Okay.

3 SUPERVISOR BARGER: All right. Thank  
4 you.

5 THE COURT: Goodnight. Goodnight.

6 SUPERVISOR BARGER: All right. Bye.

7 THE COURT: Okay. Without -- Matt, do  
8 you have anything further you heard in the supervisor's  
9 statement? You're well aware of this. I know you're  
10 committed also. But, both the mayor and I agree that  
11 there are certain trigger dates. And one of those would  
12 be next Thursday. I'll be back in session again. I  
13 would expect and am going to order the parties to meet  
14 and confer during the week. You know, be available,  
15 even by Zoom. But I do expect that we're going to move  
16 forward on this. And the thing that the mayor and I  
17 both agreed on this evening is we didn't want to dictate  
18 the 16th and Maple Street as the primary area, in case  
19 we were just wrong.

20 By the same token, we both expressed and  
21 we know there's some concern about if the parties reach  
22 an agreement between recreational cars and vans, the  
23 Court is going to accept that. We thought we had that  
24 agreement before this last moment environmental issue  
25 came up.

1                   These issues, Matt, concerning these  
2     popup pallets is what's holding up an even broader  
3     resolution than I thought. In fact, I didn't expect  
4     that to come on the table. That's a discussion that I'd  
5     like to have take place, because I know that we've got  
6     an agreement now concerning recreation, cars, vans,  
7     which is a huge commitment on everybody's part. And  
8     that will significantly increase safety, especially  
9     since so many women and children are living in those  
10    cars.

11                  Also, Carol, I would say to you this  
12    evening that a large part of our homeless population is  
13    already living along the 10 Freeway. And I'm very  
14    concerned about that. So, I don't know what the  
15    environmental concern is, except if they're not supposed  
16    to be there then we need to get to a more healthy  
17    location. And I don't know if that's Joe's or another  
18    site. But I'm going to reach back to each of you during  
19    the week, the county, the city, and use avenues to find  
20    that site. Judge Smith, do you have anything you want  
21    to add?

22                  MS. MARTINEZ: Are they on mute?

23                  THE COURT: Jim?

24                  UNIDENTIFIED MALE: He can unmute  
25    himself.

1 MS. MARTINEZ: Okay. Jim, can you unmute  
2 yourself? You have to press the bar key.

3 THE COURT: Judge Smith?

4 UNIDENTIFIED SPEAKER: Yeah. I told him  
5 he can unmute it.

6 MS. MARTINEZ: Yeah, you just unmute him.  
7 That's -- yeah, because they don't know how to hold  
8 that.

9 THE COURT: Yeah. Judge Smith, now you  
10 can --

11 UNIDENTIFIED SPEAKER: Now, you can --  
12 come again.

13 THE COURT: Judge Smith, anything?

14 JUDGE SMITH: No, no.

15 THE COURT: Okay. Matt?

16 MR. SZABO: Yes. No, that sounds fine.  
17 I mean, we're willing to have those conversations. And  
18 particularly, we're willing to have the conversations  
19 about the appropriateness of other kinds of  
20 interventions, which, as you know, Your Honor, we're  
21 actively pursuing, given the situation in the Skid Row  
22 and surrounding area.

23 THE COURT: Now, you understand, though,  
24 the need for trigger dates, from the Court's  
25 perspective. Action dates.

1 MR. SZABO: Yes.

2 THE COURT: Okay. Fair enough. Carol.

3 MS. SOBEL: Yes, Your Honor.

4 THE COURT: Anything you'd like to add?

5 MS. SOBEL: I think I'll reserve my  
6 comments at this time.

7 THE COURT: Okay. See how it turns out.  
8 And I want to thank you. You've apparently from the  
9 environmental department.

10 MR. SZABO: We have Gary Lee Moore on the  
11 line, sir. He's our city engineer.

12 THE COURT: I'm not going to inquire any  
13 further this evening, after a conversation with the  
14 Board, et cetera. But obviously, eventually I'm very  
15 interested in what kind of environmental concern this is  
16 and why the site would be suitable or not. And you  
17 understand the trigger dates that we're all operating  
18 under, because this could lead to a whole series of  
19 future settlements that not only reflect this particular  
20 council district but across the entire city. Do you  
21 understand that?

22 MR. MOORE: Yes, sir.

23 THE COURT: All right. Mark -- yeah.

24 MR. BIROTTE: Just real quick, this is  
25 Andre Birotte. I just -- two things that just jumped to



1 mind. I know, Matt, you said that you were looking at,  
2 if necessary, other sites. I don't know this to be the  
3 case or not, but, like, would that include sites such  
4 as, you know, the MTA or LAUSD, if they have any  
5 properties? What's the scope or what -- yeah, what's  
6 the scope of properties that the city could look into,  
7 number one.

8 And then, number two, the question that I  
9 have with respect to the 16th and Maple site, I think  
10 Supervisor Barger and, I think, Judge Carter you had  
11 mentioned earlier, you -- there are people that are  
12 living there now. If there are environmental concerns,  
13 does that mean we need to get those folks out of there  
14 now or not? These are just questions that I have, just  
15 that you all -- I'd just ask you to think about, as you  
16 go into next week.

17 THE COURT: Along with all those trailers  
18 along 16th as well, if there are environmental concerns.  
19 So, we don't know the extent of --

20 MS. SOBEL: Your Honor, could I add  
21 something?

22 THE COURT: Yeah. Sure, go ahead.

23 MS. SOBEL: Your Honor?

24 THE COURT: Please.

25 MS. SOBEL: Whoops.

1 UNIDENTIFIED SPEAKER: I think we lost  
2 him.

3 THE COURT: Well, somebody help --

4 MS. SOBEL: We lost the judge. No.

5 MS. MARTINEZ: Carol?

6 THE COURT: Carol?

7 MS. SOBEL: Ron Galpin [ph] -- this is  
8 Carol. So, Ron Galpin [ph] has a map, an interactive  
9 map, in something called fort properties or property  
10 fort or something like that, that list every available  
11 vacant public property owned by Metro, LAUSD, the city,  
12 the --

13 THE COURT: Okay. And here's my greatest  
14 fear. That this gets to scattered with the next piece  
15 of property that no decision is made. And so, if we're  
16 going to bring something to the Court, hopefully it will  
17 be environmentally approved. Okay.

18 MS. MARTINEZ: Suitable, big enough.

19 THE COURT: Yeah. Suitable, big enough.  
20 And hopefully you'll start resolving -- if you can't  
21 reach an agreement concerning the popup or the pallets,  
22 at least we had an agreement before this issue came up  
23 concerning the recreational vehicles, cars and vans.  
24 That would have been a big agreement. It would have set  
25 a tone throughout the rest of the council districts. It

1 would be extraordinarily helpful to this city. So,  
2 that's how important this is. So, next Thursday --  
3 without filling in the blanks, okay. Okay. Jim, thank  
4 you very much. Carol, goodnight. Matt, it was a  
5 pleasure to meet you, even by phone. And --

6 MR. SZABO: Very good. Thank you.

7 THE COURT: Yeah, Matt, thank you very  
8 much for -- on behalf on the environmental services. We  
9 expect you'll be working until 3:00 this morning, on our  
10 study. All right. Okay.

11 MS. MARTINEZ: Thank you, guys.

12 THE COURT: All right. Let's get you out  
13 of here, then. We'll send you home. I'm going to  
14 reconvene next Thursday, though, at 10:00. I think  
15 that, Dr. Braveman [ph], hopefully will voluntarily be  
16 available.

17 UNIDENTIFIED SPEAKER: The what?

18 THE COURT: Out of the VA.

19 UNIDENTIFIED SPEAKER: Dr. Braveman.

20 MR. YOUNG: Oh, losses --

21 THE COURT: Voluntarily, you think? I'd  
22 prefer that.

23 MR. YOUNG: Yeah.

24 THE COURT: We could even put him up on  
25 Zoom.

1 MR. YOUNG: Yes.

2 THE COURT: Okay. Just a few questions.

3 MR. YOUNG: Yeah.

4 THE COURT: And, he wanted to know the  
5 question, first of all, how are we going to get more  
6 veterans over to that space. They have an incredibly --

7 MR. YOUNG: Yeah.

8 THE COURT: -- large space at the VA.  
9 And number two, when we get the veterans over to that  
10 space -- literally, if I have to send all my student  
11 council out with a bullhorn into the Skid Row -- I'm  
12 just kidding you, but I'm not -- what are we going to do  
13 with them after we get them there? Are we just going to  
14 put them back on the street? The mayor is concerned  
15 about that. The Board of Supervisors is concerned about  
16 what this -- what's our long-range plan, so we're just  
17 not taking our problem and transferring it right back  
18 after this crisis hopefully ends. I am going to ask him  
19 if he's interested in -- what his vision is. What is he  
20 going to put up. That's a huge piece of property over  
21 there, with a lot of room. There's a lot of veterans  
22 out there. So, it would be a general conversation, but  
23 I really want to hear his vision. Now, Marcus, do you  
24 have anything further?

25 MR. MARCUS: No.

1 THE COURT: Okay. Anything further?  
2 Sure? Brooke? Shayla?

3 MS. MYERS: No, Your Honor.

4 THE COURT: Elizabeth? Matt?

5 MR. SZABO: No, Your Honor.

6 MR. YOUNG: Your Honor, Brandon Young  
7 from the county. I just want to add that we also plan  
8 to bring -- we also plan to bring Steve Peck over, as  
9 well, to discuss the veterans' issues, if the Court  
10 would like.

11 THE COURT: Okay.

12 MR. BIROTTE: Say his name, Brandon.

13 THE COURT: The acoustics.

14 MR. BIROTTE: He's going to bring Steve  
15 Peck. He wants to bring --

16 MR. YOUNG: As well.

17 THE COURT: Oh, yeah.

18 MR. YOUNG: To have a more robust  
19 conversation.

20 THE COURT: Will Steve join us on the  
21 Zoom, at least?

22 MS. MARTINEZ: You can ask.

23 MR. YOUNG: Yeah, either Zoom or in  
24 person.

25 THE COURT: Yeah.

1 MR. YOUNG: Yes.

2 THE COURT: I'd like to -- I talked to  
3 him as recently as today.

4 MR. YOUNG: Yeah. Yeah.

5 MR. UMHOFFER: Your Honor, could we make  
6 one request? And that is that as the city begins to  
7 identify properties, that those properties -- potential  
8 properties are shared among the parties. So that we  
9 could all participate in the vetting process.

10 THE COURT: Yeah. Is that reasonable?  
11 We would like to see these properties -- the problem is  
12 if this is an environmental impact report, or something  
13 -- I don't want to go through this again. I don't want  
14 to have an agreement literally on the table, and have it  
15 brought back. I don't know how hazardous this is, but I  
16 choose not to question the young man this evening. I  
17 choose to wait one week. But, that tone is going to  
18 change. Okay.

19 MR. UMHOFFER: So, is that --

20 THE COURT: So --

21 MR. UMHOFFER: Can we have a dialogue  
22 going between now and Thursday about the sites that are  
23 being identified? Just so we're not starting at ground  
24 zero on Thursday.

25 MS. MILLER: Sure, I guess. What kind of

1 information would be --

2 SUPERVISOR BARGER: Well, obviously, I  
3 mean, as sites begin to ripen into possible sites --

4 THE COURT: In other words, they don't  
5 want it dropped on them Wednesday night.

6 MR. MARCUS: Right.

7 THE COURT: And they're scrambling to  
8 catch up.

9 MR. MARCUS: Right.

10 MR. UMHOFFER: And it -- we'll work on  
11 sites too, if we can -- right. So, we'll share  
12 everything as well.

13 MS. MILLER: Okay. Great.

14 THE COURT: Oh, all right. Do this. If  
15 any of you have complaints, since I've got that ability  
16 to export, call me.

17 MR. UMHOFFER: Okay.

18 THE COURT: Simple as that.

19 MR. UMHOFFER: Thank you.

20 THE COURT: Otherwise, I won't interfere,  
21 because it's your time. If there's a complaint, call  
22 me. And the Court will step in.

23 MR. UMHOFFER: Yes, sir.

24 MS. MILLER: Thank you.

25 THE COURT: Okay. Then, is there

1 anything further here?

2 UNIDENTIFIED SPEAKER: No.

3 UNIDENTIFIED SPEAKER: No.

4 UNIDENTIFIED SPEAKER: Thank you.

5 UNIDENTIFIED SPEAKER: Thank you.

6 THE COURT: All right. Goodnight.

7 COURT REPORTER: The time is 8:42 p.m.

8 We are off the record.

9 (Whereupon, at 8:42 P.M., the proceeding  
10 was concluded.)  
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CERTIFICATE OF NOTARY PUBLIC

I, AUSTIN CHE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, appearing to read 'Austin Che', with a long horizontal stroke extending to the right.

AUSTIN CHE

Notary Public in and for the  
State of California

CERTIFICATE OF TRANSCRIBER

I, JANE W. GILLIAM, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, appearing to read 'Jane W. Gilliam', with a stylized, cursive script.

JANE W. GILLIAM

[&amp; - central]

<b>&amp;</b>	<b>8</b>	<b>appreciate</b> 12:7	<b>big</b> 18:18,19,24
<b>&amp;</b> 2:4,11 3:4	<b>826-4700</b> 2:15	<b>appropriateness</b> 15:19	<b>birotte</b> 3:13 8:9,11 8:22 16:24,25 21:12,14
<b>0</b>	<b>87</b> 10:10,14	<b>approved</b> 18:17	<b>bit</b> 6:6 7:15
<b>02291</b> 1:7	<b>8:21</b> 1:13	<b>april</b> 1:12 8:17	<b>blanks</b> 19:3
<b>1</b>	<b>8:42</b> 24:7,9	<b>area</b> 13:18 15:22	<b>blocks</b> 11:12
<b>1</b> 4:9 12:1	<b>9</b>	<b>areas</b> 9:23 10:3	<b>board</b> 3:21 5:6 16:14 20:15
<b>10</b> 14:13	<b>90013</b> 1:17	<b>argue</b> 10:16	<b>boon</b> 10:5
<b>10:00</b> 19:14	<b>90017</b> 2:6,13	<b>attorney</b> 25:13 26:10	<b>boulevard</b> 3:5
<b>10th</b> 8:17	<b>90064</b> 3:6	<b>audio</b> 25:7 26:3	<b>brandon</b> 3:3 21:6 21:12
<b>11355</b> 3:5	<b>978-4681</b> 2:24	<b>austin</b> 1:23 25:2 25:21	<b>braveman</b> 19:15 19:19
<b>12</b> 4:9	<b>a</b>	<b>available</b> 13:14 18:10 19:16	<b>breath</b> 11:7
<b>14</b> 1:12	<b>ability</b> 23:15 25:9 26:7	<b>avenues</b> 14:19	<b>bring</b> 18:16 21:8,8 21:14,15
<b>16th</b> 5:14,17 7:7 8:4 13:18 17:9,18	<b>able</b> 5:20 9:21	<b>aware</b> 9:10,11 13:9	<b>broader</b> 14:2
<b>17500</b> 25:20	<b>accept</b> 13:23	<b>awful</b> 7:16	<b>brooke</b> 3:15 21:2
<b>17929</b> 26:21	<b>accurate</b> 25:8 26:5	<b>b</b>	<b>brought</b> 22:15
<b>2</b>	<b>acoustics</b> 21:13	<b>b</b> 4:7	<b>bullhorn</b> 20:11
<b>200</b> 2:5,12,21	<b>action</b> 15:25 25:11 25:15 26:8,12	<b>back</b> 13:12 14:18 20:14,17 22:15	<b>bye</b> 13:6
<b>2020</b> 1:12	<b>actively</b> 6:15 15:21	<b>ballroom</b> 1:15	<b>c</b> 2:1 3:1 5:1
<b>205-6520</b> 2:8	<b>add</b> 6:8,12 14:21 16:4 17:20 21:7	<b>bar</b> 15:2	<b>ca</b> 1:17
<b>213</b> 2:8,24	<b>agree</b> 10:16 13:10	<b>barger</b> 3:21 4:9 5:7,23 6:19 7:17 7:19 8:2 9:16 10:8 10:24 11:17 12:10 12:13,17,22 13:1,3 13:6 17:10 23:2	<b>california</b> 1:2 2:6 2:13,22 3:6 25:23
<b>2:20</b> 1:7	<b>agreed</b> 13:17	<b>bdyoung</b> 3:7	<b>call</b> 6:13 23:16,21
<b>3</b>	<b>agreement</b> 5:10 13:22,24 14:6 18:21,22,24 22:14	<b>best</b> 5:20 7:14 25:9 26:6	<b>called</b> 18:9
<b>310</b> 2:15 3:8	<b>ahead</b> 6:20,22,23 17:22	<b>beyond</b> 11:11 12:19	<b>car</b> 11:3
<b>312-4181</b> 3:8	<b>al</b> 1:5,8		<b>carol</b> 3:18 14:11 16:2 18:5,6,8 19:4
<b>3:00</b> 19:9	<b>alexandria</b> 1:15		<b>cars</b> 13:22 14:6,10 18:23
<b>4</b>	<b>alliance</b> 1:4		<b>carter</b> 1:14 17:10
<b>4080633</b> 1:24	<b>andre</b> 3:13 8:8 16:25		<b>case</b> 1:6 13:18 17:3
<b>5</b>	<b>angeles</b> 1:8,17 2:6 2:13,18,20,22 3:2 3:6		<b>catch</b> 23:8
<b>501</b> 1:16	<b>apparently</b> 8:16 16:8		<b>central</b> 1:2
<b>6</b>			
<b>617</b> 2:5,12			
<b>7</b>			
<b>700</b> 2:21			
<b>7th</b> 2:5,12			

[certain - eventually]

<b>certain</b> 13:11 <b>certificate</b> 25:1 26:1 <b>certify</b> 25:3 26:2 <b>cetera</b> 16:14 <b>chair</b> 5:6 <b>change</b> 22:18 <b>che</b> 1:23 25:2,21 <b>chief</b> 3:19 6:5,11 <b>children</b> 14:9 <b>choose</b> 22:16,17 <b>christina</b> 3:16 <b>cities</b> 10:10,15 <b>city</b> 1:8 2:18,20 3:22 7:10 10:13 14:19 16:11,20 17:6 18:11 19:1 22:6 <b>clearly</b> 8:5 11:5 <b>colleagues</b> 11:18 <b>come</b> 8:10 14:4 15:12 <b>coming</b> 8:3 <b>comments</b> 16:6 <b>commitment</b> 6:14 10:2,10 11:23 12:4 14:7 <b>committed</b> 7:6 10:11,15 13:10 <b>community</b> 11:5,6 <b>complaint</b> 23:21 <b>complaints</b> 23:15 <b>completely</b> 7:3 <b>concern</b> 13:21 14:15 16:15 <b>concerned</b> 14:14 20:14,15 <b>concerning</b> 14:1,6 18:21,23 <b>concerns</b> 17:12,18	<b>concluded</b> 24:10 <b>conditions</b> 10:23 <b>confer</b> 13:14 <b>constraints</b> 5:21 <b>continuing</b> 10:2 12:3 <b>conversation</b> 5:22 6:5 7:18,25 9:3 16:13 20:22 21:19 <b>conversations</b> 5:5 15:17,18 <b>convey</b> 12:7 <b>coronavirus</b> 11:10 <b>correct</b> 6:9 10:5,8 <b>correctly</b> 6:8 <b>council</b> 16:20 18:25 20:11 <b>counsel</b> 25:10,13 26:7,10 <b>county</b> 3:2 12:20 14:19 21:7 <b>court</b> 1:1 5:2,11 6:18,21,24 7:9,20 8:8,10,21 9:2,12 9:22,24 10:20 11:16,21,24 12:3 12:11,15,21,24 13:2,5,7,23 14:23 15:3,9,13,15,23 16:2,4,7,12,23 17:17,22,24 18:3,6 18:13,16,19 19:7 19:12,18,21,24 20:2,4,8 21:1,4,9 21:11,13,17,20,25 22:2,10,20 23:4,7 23:14,18,20,22,25 24:6,7 <b>court's</b> 15:24 <b>courtroom</b> 6:13	<b>crisis</b> 20:18 <b>cross</b> 10:6 <b>cv</b> 1:7 <b>cx</b> 4:3  <b>d</b>  <b>d</b> 2:10 3:3 4:1 5:1 <b>date</b> 1:12 7:14 <b>dates</b> 7:13,13 9:6 12:16,18 13:11 15:24,25 16:17 <b>david</b> 1:14 <b>dead</b> 11:1,2 <b>decision</b> 7:6 18:15 <b>defendant</b> 1:9 2:18 3:2 <b>demonstrated</b> 6:3 <b>department</b> 9:9 16:9 <b>deplorable</b> 10:24 <b>deputy</b> 3:19 6:11 <b>description</b> 4:8 <b>developments</b> 6:2 <b>dialogue</b> 22:21 <b>dictate</b> 5:19 9:4 13:17 <b>different</b> 10:14 <b>digital</b> 25:7 26:3 <b>disagree</b> 10:17 <b>discuss</b> 21:9 <b>discussion</b> 6:21 9:23 14:4 <b>discussions</b> 5:17 <b>district</b> 1:1,2 16:20 <b>districts</b> 18:25 <b>doc</b> 1:8 <b>docket</b> 11:25 <b>dog</b> 11:1,1 <b>dollars</b> 10:19 <b>dr</b> 19:15,19	<b>dropped</b> 23:5 <b>drove</b> 8:4 10:21 11:6 <b>duly</b> 25:5 <b>dx</b> 4:3  <b>e</b>  <b>e</b> 2:1,1 3:1,1 4:1,7 5:1,1 <b>earlier</b> 8:19 17:11 <b>echo</b> 6:12 <b>either</b> 7:7 21:23 <b>elizabeth</b> 2:3 21:4 <b>emitchell</b> 2:7 <b>employed</b> 25:10 25:13 26:8,10 <b>employee</b> 25:13 26:10 <b>ends</b> 20:18 <b>engaged</b> 12:9 <b>engineer</b> 3:22 16:11 <b>entered</b> 7:17 <b>entire</b> 16:20 <b>environmental</b> 5:15 8:13,15 9:9 13:24 14:15 16:9 16:15 17:12,18 19:8 22:12 <b>environmentally</b> 18:17 <b>es</b> 4:3 25:4 <b>especially</b> 14:8 <b>esquire</b> 2:3,10,19 3:3 <b>et</b> 1:5,8 16:14 <b>evening</b> 5:3 7:1,18 7:19,22 11:22 13:17 14:12 16:13 22:16 <b>eventually</b> 16:14
---	--	--	---

## [everybody - k]

<b>everybody</b> 12:14 <b>everybody's</b> 14:7 <b>evidence</b> 12:2 <b>excellent</b> 12:24 <b>exemplary</b> 11:23 <b>exhibit</b> 4:9 12:1 <b>exhibits</b> 4:11 <b>expect</b> 13:13,15 14:3 19:9 <b>expend</b> 10:19 <b>explore</b> 9:7 <b>explored</b> 8:14,23 <b>export</b> 23:16 <b>expressed</b> 13:20 <b>extent</b> 8:14 17:19 <b>extra</b> 7:15 <b>extraordinarily</b> 6:1 19:1	<b>fort</b> 18:9,10 <b>forth</b> 9:25 <b>forward</b> 5:25 7:13 10:18 13:16 <b>four</b> 11:6 <b>freeway</b> 14:13 <b>funding</b> 10:13 <b>further</b> 9:22 13:8 16:13 20:24 21:1 24:1 25:12 26:9 <b>future</b> 16:19	<b>great</b> 23:13 <b>greatest</b> 18:13 <b>ground</b> 22:23 <b>guess</b> 22:25 <b>guys</b> 19:11	<b>identify</b> 22:7 <b>impact</b> 22:12 <b>important</b> 19:2 <b>include</b> 17:3 <b>increase</b> 14:8 <b>incredibly</b> 20:6 <b>indicated</b> 8:24 <b>information</b> 7:5 8:19 23:1 <b>inquire</b> 16:12 <b>interactive</b> 18:8 <b>interested</b> 16:15 20:19 25:14 26:11 <b>interfere</b> 23:20 <b>interventions</b> 15:20 <b>issue</b> 8:3,6 9:15 13:24 18:22 <b>issues</b> 8:12,13,15 8:23 10:6 12:5 14:1 21:9
<b>f</b>	<b>g</b>	<b>h</b>	<b>j</b>
<b>fact</b> 14:3 <b>fair</b> 16:2 <b>far</b> 12:19 <b>fast</b> 12:6 <b>fear</b> 18:14 <b>feel</b> 5:19 11:9 <b>figure</b> 8:6 <b>filled</b> 11:12 <b>filling</b> 19:3 <b>financially</b> 25:14 26:11 <b>find</b> 10:23 14:19 <b>finding</b> 6:14 7:6 <b>fine</b> 15:16 <b>finish</b> 6:24 <b>first</b> 5:3,7 7:18 20:5 <b>folks</b> 6:13 17:13 <b>force</b> 8:18 <b>foregoing</b> 25:3,4 26:4	<b>g</b> 5:1 <b>galpin</b> 18:7,8 <b>garcetti</b> 5:6 6:11 11:15 <b>gary</b> 3:22 16:10 <b>general</b> 20:22 <b>getting</b> 10:6 <b>gilliam</b> 26:2,22 <b>give</b> 5:12 <b>given</b> 15:21 <b>go</b> 6:20,22,22 11:8 11:9 12:8 17:16 17:22 22:13 <b>goes</b> 11:11 12:18 <b>going</b> 5:7,11,23 8:24 9:12 10:13 10:13 11:3,19 12:5,6,19,20 13:13 13:15,23 14:18 16:12 18:16 19:13 20:5,12,13,18,20 21:14 22:17,22 <b>good</b> 5:3 6:1 7:18 7:19,24 9:17 19:6 <b>goodnight</b> 13:5,5 19:4 24:6 <b>gotten</b> 8:19 <b>gracious</b> 7:22	<b>hear</b> 5:4 20:23 <b>heard</b> 8:11,12 13:8 <b>hearing</b> 1:11 6:17 9:15 <b>heidi</b> 3:17 <b>help</b> 18:3 <b>helpful</b> 19:1 <b>hereto</b> 25:14 26:11 <b>hold</b> 5:11 15:7 <b>holding</b> 14:2 <b>home</b> 19:13 <b>homeless</b> 14:12 <b>honor</b> 6:22 9:20 11:8 15:20 16:3 17:20,23 21:3,5,6 22:5 <b>honorable</b> 1:14 <b>hope</b> 6:8,16 <b>hopefully</b> 7:4 18:16,20 19:15 20:18 <b>hotel</b> 1:15 <b>huge</b> 14:7 20:20 <b>human</b> 1:4	<b>k</b> 4:9
	<b>i</b>	<b>identification</b> 12:1 <b>identified</b> 22:23	

[kathryn - part]

<b>kathryn</b> 3:21 5:7 8:12 <b>keep</b> 7:12 <b>kes</b> 1:8 <b>key</b> 15:2 <b>kidding</b> 20:12 <b>kind</b> 6:25 7:9 8:3 16:15 22:25 <b>kinds</b> 15:19 <b>know</b> 6:5 8:14,17 9:19,19,21 10:11 10:20 12:8,16 13:9,14,21 14:5,14 14:17 15:7,20 17:1,2,4,19 20:4 22:15 <b>knowledge</b> 25:9 26:6 <b>knows</b> 9:17 11:15	<b>location</b> 1:15 9:5 14:17 <b>long</b> 20:16 <b>look</b> 5:13 7:4 8:25 17:6 <b>looking</b> 6:16 7:14 17:1 <b>los</b> 1:8,17 2:6,13 2:18,20,22 3:2,6 <b>losses</b> 19:20 <b>lost</b> 18:1,4 <b>lot</b> 7:16 11:14 12:5 20:21,21	<b>mayor's</b> 6:13 7:24 10:3 <b>mean</b> 15:17 17:13 23:3 <b>measure</b> 10:12 <b>meet</b> 13:13 19:5 <b>mentioned</b> 17:11 <b>metro</b> 18:11 <b>michele</b> 3:12 <b>miller</b> 3:16 22:25 23:13,24 <b>mind</b> 17:1 <b>misstate</b> 6:4 <b>misstated</b> 10:4 <b>mittell</b> 2:3 <b>moment</b> 5:24 6:4 8:1 13:24 <b>moore</b> 3:22 16:10 16:22 <b>morning</b> 19:9 <b>move</b> 8:10 10:18 13:15 <b>moving</b> 5:8 7:12 <b>mta</b> 17:4 <b>mute</b> 14:22 <b>myers</b> 3:14 21:3	<b>number</b> 17:7,8 20:9
			<b>o</b>
			<b>o</b> 1:14 5:1 <b>obvious</b> 5:9 <b>obviously</b> 7:16 16:14 23:2 <b>occurred</b> 6:2 <b>offer</b> 7:10 <b>offered</b> 9:8 <b>office</b> 3:20 7:24 <b>officer</b> 25:2 <b>oh</b> 19:20 21:17 23:14 <b>okay</b> 9:22 12:10 12:13,16 13:1,2,7 15:1,15 16:2,7 18:13,17 19:3,3,10 20:2 21:1,11 22:18 23:13,17,25 <b>olympic</b> 3:5 <b>once</b> 5:24 <b>operating</b> 16:17 <b>opportunity</b> 7:25 <b>order</b> 13:13 <b>outcome</b> 25:15 26:12 <b>outside</b> 5:18 <b>overall</b> 11:10 <b>owned</b> 18:11
<b>la</b> 1:4 10:13 <b>lacity.org</b> 2:23 <b>landes</b> 2:4,11 <b>large</b> 14:12 20:8 <b>late</b> 5:9,25 6:7 <b>lausd</b> 17:4 18:11 <b>lead</b> 16:18 <b>lectern</b> 7:25 <b>lee</b> 3:22 16:10 <b>letter</b> 4:9 8:16 9:24 10:1 11:24 <b>line</b> 5:15,24 16:11 <b>list</b> 18:10 <b>literally</b> 7:10 20:10 22:14 <b>little</b> 6:6 7:15 <b>living</b> 8:5 11:4,5 11:12 14:9,13 17:12 <b>llp</b> 2:4,11 3:4	<b>m</b> <b>main</b> 2:21 <b>male</b> 14:24 <b>man</b> 22:16 <b>manatt</b> 3:4 <b>manatt.com</b> 3:7 <b>map</b> 18:8,9 <b>maple</b> 5:14,17 7:7 8:4 13:18 17:9 <b>marcus</b> 2:19 9:10 9:11,14 20:23,25 23:6,9 <b>mark</b> 16:23 <b>marked</b> 12:1 <b>marston</b> 3:17 <b>martinez</b> 3:12 14:22 15:1,6 18:5 18:18 19:11 21:22 <b>matt</b> 3:19 6:4,8,18 13:7 14:1 15:15 17:1 19:4,7 21:4 <b>matthew</b> 2:10,14 <b>mayor</b> 3:20 5:5,18 6:6,11 7:9 8:24 9:3,17 10:16 11:14,14 12:8 13:10,16 20:14	<b>n</b> <b>n</b> 2:1 3:1 4:1 5:1 <b>name</b> 21:12 <b>nearby</b> 7:8 <b>necessary</b> 17:2 <b>need</b> 8:13 9:6 14:16 15:24 17:13 <b>needed</b> 7:11 9:7 <b>neither</b> 25:10 26:7 <b>news</b> 5:9 6:1 <b>night</b> 23:5 <b>north</b> 2:21 <b>notary</b> 1:23 25:1 25:22	
			<b>p</b>
			<b>p</b> 2:1,1 3:1,1 5:1 <b>p.m.</b> 1:13 24:7,9 <b>page</b> 4:8 9:18 <b>pallets</b> 14:2 18:21 <b>pardon</b> 6:21 <b>parking</b> 10:3 12:4 <b>part</b> 9:11 10:1,3 11:24 14:7,12



[participate - signature]

<b>participate</b> 22:9 <b>particular</b> 6:15 16:19 <b>particularly</b> 15:18 <b>parties</b> 5:13,20 7:11 9:7 13:13,21 22:8 25:11,14 26:8,11 <b>patience</b> 5:4 <b>peck</b> 21:8,15 <b>people</b> 8:5 9:15 11:4,12 17:11 <b>permission</b> 11:24 <b>person</b> 5:15 21:24 <b>personally</b> 10:21 <b>perspective</b> 15:25 <b>ph</b> 18:7,8 19:15 <b>phelps</b> 3:4 <b>phillips</b> 3:4 <b>phone</b> 6:19 12:8 19:5 <b>piece</b> 8:6 18:14 20:20 <b>place</b> 14:5 <b>plaintiff</b> 1:6 2:2 <b>plan</b> 20:16 21:7,8 <b>please</b> 10:4 17:24 <b>pleasure</b> 19:5 <b>point</b> 11:7 <b>population</b> 14:12 <b>popup</b> 14:2 18:21 <b>position</b> 5:19 <b>positive</b> 5:8,22 9:24 <b>possible</b> 23:3 <b>potential</b> 22:7 <b>potentially</b> 8:25 <b>powers</b> 8:18 <b>prefer</b> 19:22 <b>prepared</b> 26:3	<b>presence</b> 5:18 <b>present</b> 3:11 <b>press</b> 15:2 <b>presumptive</b> 9:4 <b>pretty</b> 9:8 <b>primary</b> 13:18 <b>prior</b> 25:4 <b>problem</b> 20:17 22:11 <b>proceeding</b> 24:9 26:4 <b>proceedings</b> 25:3 25:4,5,8 26:6 <b>process</b> 22:9 <b>properties</b> 17:5,6 18:9 22:7,7,8,11 <b>property</b> 8:7,14 18:9,11,15 20:20 <b>public</b> 1:23 18:11 25:1,22 <b>pulling</b> 7:10 <b>pursuing</b> 15:21 <b>put</b> 5:24 19:24 20:14,20	<b>ready</b> 9:21 <b>real</b> 16:24 <b>really</b> 11:2,23 20:23 <b>reasonable</b> 22:10 <b>received</b> 12:2 <b>recognized</b> 9:6 <b>reconvene</b> 19:14 <b>record</b> 10:1 24:8 25:9 26:5 <b>recorded</b> 25:6 <b>recording</b> 25:8 26:4 <b>recreation</b> 14:6 <b>recreational</b> 13:22 18:23 <b>reduced</b> 25:6 <b>reduction</b> 8:18 <b>reflect</b> 16:19 <b>reflective</b> 7:23 <b>related</b> 25:10 26:7 <b>relates</b> 10:11,19 <b>relationship</b> 6:3 7:23 9:18 10:18 <b>relative</b> 25:12 26:9 <b>remain</b> 10:11,15 <b>remaining</b> 10:3 <b>report</b> 22:12 <b>reported</b> 1:23 <b>reporter</b> 24:7 <b>representation</b> 6:8 <b>request</b> 22:6 <b>reserve</b> 16:5 <b>resolution</b> 14:3 <b>resolved</b> 10:6 <b>resolving</b> 18:20 <b>resources</b> 7:10 <b>respect</b> 17:9 <b>respective</b> 5:13 <b>rest</b> 6:12 12:4 18:25	<b>retained</b> 4:11 <b>ridley</b> 11:19 <b>right</b> 5:5 7:16 12:9 12:23 13:3,6 16:23 19:10,12 20:17 23:6,9,11,14 24:6 <b>rights</b> 1:4 <b>ripen</b> 23:3 <b>robust</b> 21:18 <b>ron</b> 18:7,8 <b>room</b> 2:21 20:21 <b>row</b> 15:21 20:11
	<b>q</b>		<b>s</b>
	<b>qualified</b> 25:7 <b>question</b> 11:13 17:8 20:5 22:16 <b>questions</b> 17:14 20:2 <b>quick</b> 9:8 16:24 <b>quickly</b> 9:13 10:7		<b>s</b> 1:6,9 2:1,2 3:1 4:7 5:1 <b>safe</b> 10:3 11:9 12:4 12:14 <b>safety</b> 11:10 14:8 <b>scattered</b> 18:14 <b>scope</b> 17:5,6 <b>scott</b> 2:19 <b>scott.marcus</b> 2:23 <b>scrambling</b> 23:7 <b>see</b> 16:7 22:11 <b>send</b> 19:13 20:10 <b>sent</b> 8:16 <b>series</b> 5:2,5 16:18 <b>services</b> 19:8 <b>servicing</b> 9:23,25 <b>session</b> 13:12 <b>set</b> 9:25 18:24 <b>settlements</b> 16:19 <b>share</b> 23:11 <b>shared</b> 22:8 <b>shayla</b> 3:14 21:2 <b>shocked</b> 11:4,11 <b>sidewalks</b> 11:13 <b>signature</b> 25:20 26:21

[significantly - use]

<b>significantly</b> 14:8 <b>simple</b> 23:18 <b>sir</b> 9:14 16:11,22 23:23 <b>site</b> 5:10,14,16,20 6:15 7:4,4,7 11:5 11:11 12:19 14:18 14:20 16:16 17:9 <b>sites</b> 6:16 8:25 17:2,3 22:22 23:3 23:3,11 <b>situation</b> 15:21 <b>skid</b> 15:21 20:11 <b>skills</b> 25:9 26:6 <b>smith</b> 14:20 15:3,9 15:13,14 <b>sobel</b> 3:18 16:3,5 17:20,23,25 18:4,7 <b>sold</b> 10:12 <b>solis</b> 11:19 <b>solution</b> 6:14 7:7 <b>somebody</b> 18:3 <b>somewhat</b> 12:9 <b>soon</b> 12:11,25 <b>sorry</b> 6:18 8:3 <b>sort</b> 12:5 <b>sounds</b> 15:16 <b>south</b> 1:16 <b>space</b> 10:3 20:6,8 20:10 <b>speaker</b> 15:4,11 18:1 19:17,19 24:2,3,4,5 <b>specific</b> 5:20 9:5 <b>spertus</b> 2:4,11 <b>spertuslaw.com</b> 2:7,14 <b>spring</b> 1:16 <b>staff</b> 3:19 6:5,11 <b>start</b> 18:20	<b>starting</b> 22:23 <b>state</b> 10:22 25:23 <b>statement</b> 6:25 7:2 7:21 13:9 <b>states</b> 1:1 <b>stay</b> 12:14 <b>step</b> 23:22 <b>stepped</b> 5:24 <b>steve</b> 21:8,14,20 <b>street</b> 1:16 2:5,12 2:21 13:18 20:14 <b>strong</b> 10:17 <b>strongly</b> 5:18 6:3 <b>student</b> 20:10 <b>study</b> 9:10 19:10 <b>submitted</b> 9:24 <b>suitable</b> 5:11,16 16:16 18:18,19 <b>suite</b> 2:5,12 <b>supervisor</b> 5:23 6:19 7:17,19 8:2 9:16 10:4,8,24 11:17 12:10,13,17 12:22 13:1,3,6 17:10 23:2 <b>supervisor's</b> 13:8 <b>supervisors</b> 3:21 5:6 10:2 20:15 <b>supposed</b> 14:15 <b>sure</b> 7:2 12:15 17:22 21:2 22:25 <b>surrounding</b> 15:22 <b>sworn</b> 25:5 <b>szabo</b> 3:19 6:10,20 6:22 7:2 15:16 16:1,10 19:6 21:5	<b>take</b> 6:23 14:5 <b>taken</b> 4:5 25:3,12 26:9 <b>takes</b> 9:19 <b>talk</b> 12:11,24 <b>talked</b> 11:18 22:2 <b>talking</b> 10:25 <b>telephone</b> 3:19,21 3:22 <b>template</b> 12:20 <b>terms</b> 9:8 <b>testifying</b> 25:5 <b>thank</b> 5:3 10:20 11:21 12:12,13 13:3 16:8 19:3,6,7 19:11 23:19,24 24:4,5 <b>thanks</b> 6:10 12:7 <b>thing</b> 6:12 9:25 13:16 <b>things</b> 16:25 <b>think</b> 6:1,2 7:22 7:24 8:16 12:6 16:5 17:9,10,15 18:1 19:14,21 <b>thomas</b> 11:19 <b>thought</b> 7:12,14 9:3,4 11:1 13:23 14:3 <b>thumbs</b> 5:4 <b>thursday</b> 5:12 6:17 7:5,15 13:12 19:2,14 22:22,24 <b>time</b> 1:13 5:13,21 6:16 7:11,15 9:7 16:6 23:21 24:7 <b>timeline</b> 9:8 <b>times</b> 11:6 <b>today</b> 8:4 10:21 22:3	<b>token</b> 9:5 13:20 <b>told</b> 15:4 <b>tone</b> 18:25 22:17 <b>tragic</b> 7:17 <b>trailers</b> 17:17 <b>transcriber</b> 26:1 <b>transcript</b> 26:3,5 <b>transcriptionist</b> 25:7 <b>transferring</b> 20:17 <b>treated</b> 10:14 <b>trigger</b> 7:13 9:6 12:16,18 13:11 15:24 16:17 <b>true</b> 25:8 26:5 <b>try</b> 7:12 <b>trying</b> 8:6 <b>tuesday</b> 1:12 5:12 <b>turn</b> 7:25 9:12 <b>turning</b> 9:9 <b>turns</b> 11:1 16:7 <b>two</b> 16:25 17:8 20:9 <b>typewriting</b> 25:6
			<b>u</b>
			<b>umhofer</b> 2:4,10,11 22:5,19,21 23:10 23:17,19,23 <b>understand</b> 12:18 15:23 16:17,21 <b>unidentified</b> 14:24 15:4,11 18:1 19:17,19 24:2,3,4 24:5 <b>united</b> 1:1 <b>unmute</b> 14:24 15:1,5,6 <b>use</b> 10:13 14:19
	<b>t</b> <b>t</b> 4:7 <b>table</b> 14:4 22:14		



[v - zoom]

<b>v</b>	<b>witness</b> 4:3 25:4
<b>v</b> 1:7	<b>women</b> 14:9
<b>va</b> 19:18 20:8	<b>words</b> 23:4
<b>vacant</b> 18:11	<b>work</b> 6:15 9:20
<b>vans</b> 13:22 14:6	11:14,19 23:10
18:23	<b>working</b> 6:3 7:23
<b>vehicles</b> 18:23	9:17,18 10:15,17
<b>veterans</b> 20:6,9,21	19:9
21:9	<b>wrong</b> 13:19
<b>vetting</b> 22:9	<b>x</b>
<b>view</b> 7:11	<b>x</b> 4:1,7
<b>vision</b> 20:19,23	<b>y</b>
<b>voluntarily</b> 19:15	<b>yeah</b> 6:10 8:8
19:21	11:13,16 12:17,21
<b>voters</b> 10:12	15:4,6,7,9 16:23
<b>w</b>	17:5,22 18:19
<b>w</b> 26:2,22	19:7,23 20:3,7
<b>wait</b> 22:17	21:17,23,25 22:4,4
<b>want</b> 5:25 6:4,9,24	22:10
7:20 9:19 10:20	<b>yesterday</b> 8:21,22
10:22 11:8,21	<b>young</b> 3:3 19:20
12:7,22 13:17	19:23 20:1,3,7
14:20 16:8 20:23	21:6,6,16,18,23
21:7 22:13,13	22:1,4,16
23:5	<b>z</b>
<b>wanted</b> 20:4	<b>zero</b> 22:24
<b>wants</b> 21:15	<b>zoom</b> 13:15 19:25
<b>way</b> 5:9	21:21,23
<b>wayside</b> 12:6	
<b>we've</b> 5:2,5 11:13	
12:16 14:5	
<b>wednesday</b> 23:5	
<b>week</b> 8:20 13:14	
14:19 17:16 22:17	
<b>weitzman</b> 3:15	
<b>west</b> 2:5,12 3:5	
<b>whoops</b> 17:25	
<b>willing</b> 7:3 9:21	
15:17,18	